

BS00052

U.S. Application No. 09/884,131 Art Unit 2617  
Response to August 19 2005 Office Action

### **REMARKS**

In response to the non-final Office Action dated August 19, 2005, the Assignee respectfully requests reconsideration based on the above claim amendments and the following remarks. The Assignee respectfully submits that the pending claims distinguish over the cited documents.

The United States Patent and Trademark Office (the "Office") objected to the title and to claim 47 for informalities. Claims 1-6, 9, 11-13, 15-16, and 22-26 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over "Discovery Channel Non-Patent Literature" (hereinafter "DCNPL") in view of U.S. Patent 5,659,350 to Hendricks *et al.* Claims 7-8, 10, 14, 17-21, 27-29, and 44-48 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over DCNPL in view of Hendricks and further in view of Published U.S. Patent Application 2003/0133043. The Assignee shows, however, that the amended claims are not obviated by the cited documents. The Assignee thus respectfully submits that the pending claims distinguish over the cited documents.

### **Objection to the Title**

The United States Patent and Trademark Office (the "Office") objected to the title of the application. Examiner Jaye asks that the title be more descriptive of the claims. The Assignee thus amends the title to "System and Method for Delivering Geographically-Related Media Content."

### **Objection to claim 47**

Claim 47 was objected to for improper antecedent basis. Claim 47 has been amended to properly recite "a website." Examiner Jaye is again thanked for the keen eye.

### **Rejection of Claims under 35 U.S.C. § 103 (a)**

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Claims 1-6, 9, 11-13, 15-16, and 22-26 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over "Discovery Channel Non-Patent Literature" (hereinafter "*DCNPL*") in view of U.S. Patent 5,659,350 to Hendricks *et al.* Claims 7-8, 10, 14, 17-21, 27-29, and 44-48 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over *DCNPL* in view of Hendricks and further in view of Published U.S. Patent Application 2003/0133043 to Carr. If the Office wishes to establish a *prima facie* case of obviousness, three criteria must be met: 1) combining prior art requires "some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill"; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8<sup>th</sup> Edition) (hereinafter "M.P.E.P.").

The pending claims are not obvious. All the claims similarly recite features for bundling content "having a full schedule of programming." The bundle of content has "diverse subject matter with all the content related to the geographic terrain." Support for such features may be found at least at paragraphs [0014], [0016], and [0021] of this application. Claim 1 is reproduced below, and all the other pending, independent claims recite similar features.

1. (Currently Amended) A system for delivering media content comprising:
  - (a) a producer producing content related to a specific type of geographic terrain; and
  - (b) a channel producer that receives the content, aggregates the content into a bundle of content, and transmits the bundle of content within and outside of the specific type of geographic terrain, the bundle of content having a full schedule of programming, the bundle of content having diverse subject matter with all the content related to the geographic terrain.

The pending claims are not obvious. Neither the "Discovery Channel Non-Patent Literature," Hendricks, nor Carr, whether along or in any combination, teaches or suggests all the features of the independent claims. Any proposed combination fails to teach or suggest "the

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*bundle of content having a full schedule of programming, the bundle of content having diverse subject matter with all the content related to the geographic terrain.* First, the "Discovery Channel Non-Patent Literature" describes a single program. The independent claims all recite a *"bundle of content having a full schedule of programming."* Second, the "Discovery Channel Non-Patent Literature" discusses a single, common subject matter of "trees." The independent claims, in contradistinction, all recite *"the bundle of content having diverse subject matter."* Third, the "Discovery Channel Non-Patent Literature" discusses footage in the "Pacific Northwest," "the Florida Everglades," "the Shenandoah Valley," and "the Sonoran Desert." The independent claims, in contradistinction, all recite *"all the content related to the geographic terrain."* Because the cited documents fail to teach or suggest all the claimed features, one of ordinary skill in the art would not think the pending claims obvious. Examiner Laye is respectfully requested to remove the § 103 rejection.

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If any questions arise, the Office is requested to contact the undersigned at (919) 387-6907 or [scott@wzpatents.com](mailto:scott@wzpatents.com).

Respectfully submitted,



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